UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,034	09/15/2006	Keiko Shimamoto	47233-5007-00 (230642)	5739

55694 7590 02/15/2011

DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

EXAMINER	
BARKER, MICHAEL P	

ART UNIT	PAPER NUMBER
1626	

NOTIFICATION DATE	DELIVERY MODE
02/15/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DBRIPDocket@dbr.com
penelope.mongelluzzo@dbr.com

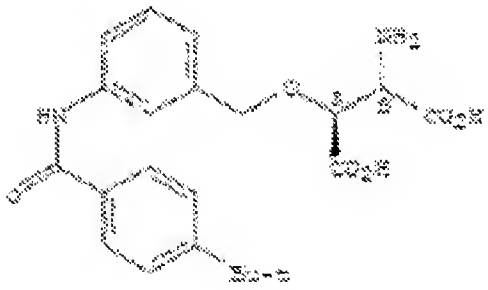
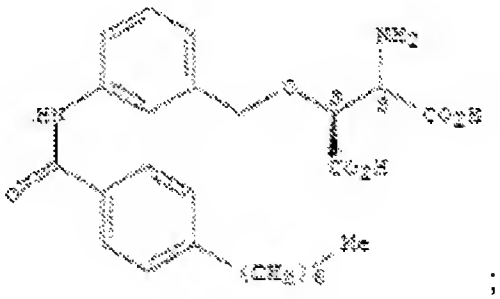
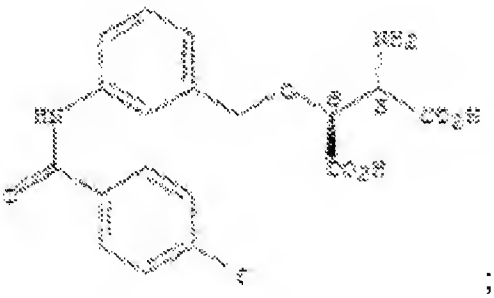
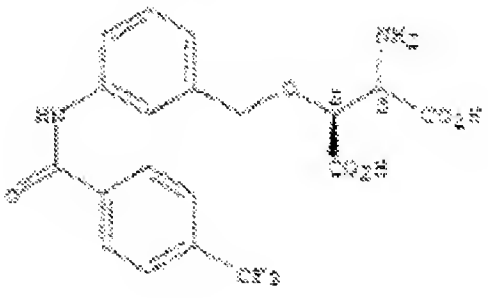
ADVISORY ACTION

7. For purposes of appeal, the proposed amendments will be entered and an explanation of how the new or amended claims would be rejected is provided below.

(Continued from PTOL-303).

In the 08/02/2010 Final Office Action, claims 1-3 and 7-9 were rejected under 35 USC 103(a) as obvious over WO 03/000698. Claims 1, 2, and 7-9 would remain rejected and claims 3-6 and 10-14 objected to.

In the 02/02/2011 Response and Amendments, Applicant amended claim 1 to delete "a straight or branched lower aliphatic alkoxy group" from the definition of X. The amendment obviates the rejection as it pertains to species in which X is an alkoxy group but fails to overcome the rejection as it pertains to

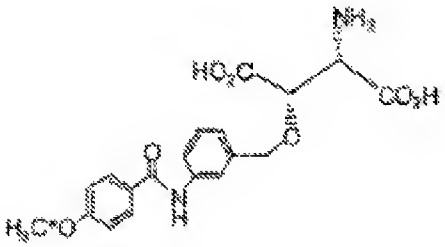

;

;

; and

. Each of these compounds differ from those encompassed by Applicant's claim 1 in that none are depicted as radiolabeled at the equivalent X-position. In other words, these compounds

anticipate Applicant's genus of formula (1) but for a radiolabel. The '698 publication suggests such a radiolabel.

At p. 13, the '698 publication provides a valid reason to modify these compounds to arrive at their radiolabeled counterparts:

> Some compounds of formula (I) are useful for radio-isotope labeled ligands for identification of transporter protains. Isotope labeled ligands may be obtained by well known synthetic procedures, using the hydroxybenzoyl intermediate for R group in the formula (I) with the reaction, for example, of labeled methyl iodide to yield the desired labeled ligand as shown in Scheme 2. Some of the radio-isotope labeled methyl iodides are commercially available, including, deuterium-labeled methyl iodide, tritium-labeled methyl iodide, Carbon 14-labeld or Carbon 11-labeled methyl iodides.

Not only does the '698 publication teach radiolabeling, it also notes



, an example of a compound radiolabeled at the X-position which suggests radiolabeling the X-position.

Thus, the '698 publication discloses compounds which anticipate Applicant's formula (1) but for a radiolabel, discloses a reason to radiolabel these compounds, and discloses an example suggesting radiolabeling the X-position. For at least these

reasons, claims 1, 2, and 7-9 would remain rejected and claims 3-6 and 10-14 objected to.

Information Disclosure Statement

The information disclosure statement (IDS) submitted 01/06/2011 was properly filed and is in compliance with 37 CFR 1.97. Accordingly, the IDS was considered.

Conclusion

Per box 7. of PTOL-303, claims 1, 2, and 7-9 would remain rejected and claims 3-6 and 10-14 objected to.

Any questions about this Office Action may be directed toward Examiner Michael Barker at 571.272.0303. If, however, attempts to reach Mr. Barker are not successful, the Examiner's supervisor, Joseph McKane, may be reached at 571.272.0699.

/MICHAEL BARKER/
Examiner, Art Unit 1626

/YONG CHU/
Primary Examiner, Art Unit 1626